

Springerville Town Council
Minutes
August 1, 2007

Present: Kay Dyson Mayor, Mary Nedrow Vice Mayor, Pete Hunt and Phelps Wilkins

Absent: Eric Baca

Staff: Scott Garms Town Manager, Val Cordova Town Clerk, Tim Shaffery Town Attorney, Larisa Bogardus Community Development Director and Karen Asquith CFO.

Public: Kevin Burk, Barry Williams, John Lang, Judy Hayes WMI and Jennifer Prochnow Chamber Director.

1. The meeting was called to order at 6:00 p.m. by Mayor Dyson.
2. The Pledge of Allegiance was led by Mayor Dyson followed by the Invocation.
3. Public Participation:

Mr. Shaffery advised the council that public participation is the time that the public should address any questions they may have on an item listed on the agenda. When the item comes up during the meeting the council should only have dialog amongst themselves.

Barry Williams addressed item 8 regarding potential changes in allowing cargo containers in residential areas. He informed the council that he was opposed to this change stating that it devalues properties

Legal counsel advised the council that they could ask questions, but had to refrain from discussing it with each other.

John Lang also addressed the council stating that he was in agreement with Mr. Williams.

4. Manager, Council and Chamber Reports:

Mayor Dyson reported that she had attended the Arizona Rural Health Care Conference.

Mr. Garms reported that the slurry seal project was completed and a contractor would be stripping South Mountain in a couple of weeks. The Maricopa Street project is moving forward. We are waiting on the notice to proceed. Once we receive the notice Hatch Construction has ten days to start. Residents and the neighborhoods will be notified. The school district will be notified sooner to schedule alternate routes for the school buses.

Larisa Bogardus advised the council that SHPO has approved the Historic Building Preservation Plan for the old school building. We have a notice to proceed for the Architecture and engineering for Phase II. It should be about six to eight weeks for architecture and engineer which then goes back to SHPO for approval before going to bid. This covers the HVAC, electrical, plumbing, window, door repair, then the stucco and paint.

She also reported that we received the FCC license for the AWOS system at the airport. (Automated Weather Operations System) The system has been in test mode since we got the system installed. A local telephone number can be called to find out weather information and will also be available on line with a link on the town web page.

Chamber Director Jennifer Prochnow reported that the High Country Hummers sponsored by Game & Fish attracted over four hundred people.

5. Consent Agenda:
 - A. Minutes from the budget/audit town council meeting held on July 18, 2007 at 5:00 p.m.
 - B. Minutes from the town council regular meeting held on July 18, 2007 at 6:00 pm.

C. Minutes from the town council meeting held on July 25, 2007 at 6:00 pm for the Maricopa Project Bid Award.

Mary Nedrow/Pete Hunt motion to approve consent agenda items 5A through 5C.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Pete Hunt
		Phelps Wilkins

6. Ordinance 2007-005: Second reading, discussion and action regarding ordinance 2007-005 adopting the public document entitled "Floodplain Management Ordinance" by reference.

Second reading by Mayor Dyson "An ordinance of the Town of Springerville, Arizona, adopting the public document entitled "Floodplain Management Ordinance" by reference, amending Chapter 15.24 of the Town of Springerville Municipal Code, providing for severability, and establishing an effective date:

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Pete Hunt
		Phelps Wilkins

7. Ordinance 2007-006: Second reading, discussion and action regarding ordinance 207-006 amending Chapters 13.12 "Water Meters" and 13.16 "Sewer System Use Regulations" to include capacity fees.

Second reading by Mayor Dyson "An Ordinance of the Town of Springerville, Arizona, amending Chapters 13.12 "Water Meters" and 13.16 "Sewer System Use Regulations" of the Springerville Municipal Code and designating an effective date.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Pete Hunt
		Phelps Wilkins

8. Ordinance 2007-007: Discussion and action regarding changes to Chapter 17.28 "General Provisions" and 17.84 "Conditional Use Permits" of the Springerville Municipal code as endorsed by the Planning and Zoning Commission.

Ms. Bogardus explained that the town has what's called an exclusionary code meaning that if it's not addressed in the zoning code it's not allowed. This blocks cargo containers which have crept in and are they are having a hard time enforcing their removal. The commission as part of the zoning code update decided to address and regulate storage containers allowing them in agricultural and industrial zones with conditional use permits. However, a Show Low storage container business owner who was present at the last meeting said they can be made attractive and made to blend into the environment.

Ms. Bogardus further explained that the commission amended their action to allow storage containers in a residential and commercial area with a conditional use permit. It should have been written into the zoning code update that came before the council for approval but by oversight was left out. As it was the commission's action she brought it to their attention at the last meeting and they reiterated that they still wanted this change made.

Vice Mayor Nedrow stated that she was not in favor of this.

Mayor Dyson said she agreed with Mr. Williams and Mr. Lang that this was a devaluation of property. She said they asked the P & Z to review this over a year ago and maybe allow them in an industrial area with conditions. This is an economic development issue, quality of life, health and safety issue. They wanted P & Z to come down a little harder to be able to say this is not allowed in our code.

Ms. Bogardus explained that there is a second change in this ordinance pertaining to deadlines for conditional use permits. Currently there are fifteen days out from the deadline which is also the statutorily required posting and notification deadline. She advised the council that she can't by default make the deadline because it's the same day as the deadline and is asking the council to extend the deadline twenty days to give her time to notifications out.

Councilman Hunt said he didn't have a problem with commercial but did with residential areas.

Mr. Garms clarified for everyone that the highlighted area of the ordinance "Except by Conditional Use Permit and Commercial Zones" should not be highlighted. The only change before the council tonight is in residential only.

Mr. Shaffery recommended cleaning up the ordinance and bringing it back

Ms. Bogardus clarified that the council does not want to consider containers in residential areas, but want to revisit allowing cargo containers in commercial areas for discussion and possible direction for future change and will be back the deadlines issue separately.

Mary Nedrow/Pete Hunt motion to reject the ordinance 2007-007 as written.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Pete Hunt
		Phelps Wilkins

9. P & Z Commissioner Removal: Discussion and action regarding the possible removal of Commissioner Amator as allowed by Chapter 17.12.

Councilman Hunt reported to the council that he had made contact with Mrs. Amator. She had advised him that she had some serious health problems but, wanted to continue to serve on the commission. He suggested that we allow her to recover her health and come back.

Ms. Bogardus explained that part of the problem was non communication. She was not present at four commission meetings nor did she communicate that she would not be there. These are not considered excused absences. A commissioner had to be pulled from a State function in order to make a quorum at which they had pending applications with the public present. There was also an appeal at which the chairman has to be present and she did not attend.

Ms. Bogardus advised the council that there would be an opening on the commission at the end of the year and perhaps she could come back after she recovers. She advised the council that she has tried contacting Mrs. Amator by telephone and by mail.

Mayor Dyson stated this is regrettable as Ms. Amator has served the town in many ways, in the planning and zoning function, however the town is in a critical position and can't hold up business due to her inability to communicate and come to meetings. Her recommendation was that Ms. Amator should be removed from the P & Z Commission, let her recover and bring her back at the end of the year. She stated that the town has a serious need to have a quorum at each meeting to conduct town business and this is one of the most important committees.

Mary Nedrow/Phelps Wilkins motion to remove Ms. Amator from the P & Z Commission.

Councilman Hunt stated that he was in favor on allowing her to hold her seat for at least one more meeting to allow her time to recover.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Phelps Wilkins
	Nays:	Pete Hunt

Councilman Wilkins said he felt that it important that she be made aware that her services are appreciated and there will be an opportunity for her to participate again at the end of the year.

Mayor Dyson stated that she would do this by telephone and in writing.

10. Sprinkler Restrictions: Discussion and action regarding directing staff to draft an ordinance amending Chapter 13.20.080 "Sprinkling restrictions" and Chapter 13.20.090 "Waste of water prohibited" of the Springerville Municipal Code and amending the Drought Plan.

Mayor Dyson explained that during the month of June we have increased demand on the water system that sends the town into an alternative water conservation plan. We are trying to find a way to get more teeth into the plan so that people who are allowing water to run down the street are cited. If this is what the council would like to do staff needs to be directed to draft an ordinance.

Councilman Wilkins noted that he agreed but felt that the process needs to be really clear. He suggested sending out cards notifying residents of the different phases in effect.

Ms. Bogardus explained that we have tried to communicate, thanking people for conserving water and offering tips on how to conserve water and still have a green yard. However, there are a small number of people who tell staff that they will not cooperate. During the month of July the town had only two feet of water. The current water plan allows the town to go into sprinkler restrictions but it requires an action of the council in order to do this. They are asking that this be an action of the mayor or manager because they can't call a special meeting.

The council all agreed that we need to continue to educate people and identify the town's plan and direct staff to draft an ordinance.

11. Town Manager Review:

A. Consider entering into executive session to conduct the annual review of the Town Manager.

B. Any action/discussion as a result of the executive session.

Pete Hunt/Mary Nedrow motion to enter into executive session at 6:55 p.m.

Mr. Shaffery reminded the council that Mr. Garms had the option to remain open session or executive session. Mr. Garms chose to go into executive session.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Pete Hunt
		Phelps Wilkins

Mayor Dyson announced that they are now back in open session at 7:25 p.m. and called for any motions regarding the performance appraisal.

Mary Nedrow/Pete Hunt motion to give Scott Garms seven days of vacation added to his contract.

Legal Counsel Mr. Shaffery apologized and asked if the council if a motion had been made to come back into open session.

Council members advised legal council that they had do so when he walked out of the room.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Pete Hunt
		Phelps Wilkins

12. Adjournment:

Mary Nedrow/Phelps Wilkins motion to adjourn the meeting at 7:27 p.m.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Pete Hunt
		Phelps Wilkins

Kay Dyson, Mayor

ATTEST:

Town Clerk

I hereby certify that the foregoing is a true and correct copy of the minutes of the Springerville Town Council in regular session on Wednesday August 1, 2007. I further certify that the meeting was duly and a quorum was present.

Dated this 2nd Day of July 2007

Town Clerk